

REMARKS

Applicant thanks the Examiner for the clear and concise *Response to Arguments* presented in the recent Office Action. The explanations were very helpful in assisting Applicant to understand the Examiner's point of view, although Applicant does not necessarily agree with every point of the Examiner's explanation.

The amendments made to claims 1, 16, 21, 26, and 27 are made now for the purpose of narrowing the issues for appeal and for expediting prosecution. Claim 1 is amended to include the limitations of claim 2 (now cancelled); claim 16 is amended to include the limitations of claim 19 (now cancelled); claim 21 is amended to include the limitations of claim 22 (now cancelled); and claims 26 and 27 are amended to include limitations similar to those of amended claims 21 and 1, respectively. Claims 3 and 23 are amended to correct dependencies. No new search is thought to be necessary, because the limitations of claim 22 which are now in amended claim 21 adequately accounts for any differences between cancelled claim 2 and amended claim 1, and between cancelled claim 19 and amended claim 16.

The amendments are not made for purposes of patentability because, as explained in the response to the previous Office Action, the cited art is not thought to suggest the claim limitations. Claims 2, 10-15, 19, and 22 are cancelled without prejudice. Applicant reserves the right to pursue the subject matter of the original claims (prior to amendment) and the subject matter of the cancelled claims in subsequent prosecution.

The Office Action does not establish that claims 1-27 are unpatentable under 35 USC §103(a) over "Cooper" ("Enhanced Code Compression for Embedded RISC Processors" by Cooper et al.). The rejection is respectfully traversed, because the Office Action does not show that all the limitations are suggested by the references, does not provide a proper motivation for modifying the teachings of Cooper, and does not show that the modification could be made with a reasonable likelihood of success. The traversals of the claim rejections of the previous Office Action and the arguments presented in response to those rejections are maintained and incorporated by reference in this response. However, the rejection of claims 1, 16, 21, 26, and 27 prior to amendment is now moot in view of the amendments to those claims.

Claim 1 is amended to include limitations of converting in the program code, each data reference in each keyword statement to a data array reference. These limitations are clearly not suggested by Cooper. Specifically, there is no apparent teaching that Cooper modifies the program code other than with the procedure calls and cross-jumping. The limitations clearly indicate that within a keyword statement in the program code, the data reference is converted to a data array reference. Thus, Cooper is not shown to suggest the limitations of claim 1.

The further limitations of the claims depending from claim 1 further involve the array references. Because the array references are in the program code, and Cooper does not teach the array references in the program code as claimed, claims 3-9 depending from claim 1 are not shown to be unpatentable over Cooper.

Claim 16 is amended to include limitations of converting in the software code, each data reference of each keyword statement to a data array reference, the data array reference being loaded with values of the converted data references. Thus, for the reasons set forth above for claim 1, claim 16 is not shown to be unpatentable over Cooper. Claims 17, 18, and 20 depend from claim 16 and are patentable for at least the reasons set forth above.

Claim 21 is amended to include identical limitations to those of now-cancelled claim 22. The limitations include replacing in each keyword statement in the program source code, each data value with a selected array name and an associated array index specification sized to store the associated data value. As explained above, Cooper is not thought to suggest any modification of the source code other than with procedure calls and cross-jumping. There is no apparent replacement in the source code of a data value with an array name and an array index specification. Cooper's array is apparent a data structure used in the analysis, not something that is included in the source code. Thus, claim 21 is thought to be patentable over Cooper.

The further limitations of the claims depending from claim 21 further involve the array index values. Because the array index values are in the program code, and Cooper does not teach the array references in the program code as claimed, claims 23-25 depending from claim 21 are not shown to be unpatentable over Cooper.

Means claim 26 is patentable over Cooper for at least the reasons set forth above for claim 21, and means claim 27 is patentable over Cooper for at least the reasons set forth above for claim 1.

CONCLUSION

Reconsideration and a notice of allowance are respectfully requested in view of the Amendments and Remarks presented above. If the Examiner has any questions or concerns, a telephone call to the undersigned is invited.

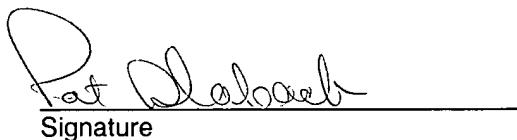
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 1, 2005.

Pat Slaback
Name


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